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10/743,743	12/24/2003	Kazuo Shiota	2091-0307P	9685
2292 7590 03/28/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
WHIPKEY, JASON T				
ART UNIT		PAPER NUMBER		
2622				
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03/28/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/743,743

**Applicant(s)**

SHIOTA ET AL.

**Examiner**

JASON T. WHIPKEY

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-3, 6-8, and 16-18 have been considered but are moot in view of the new grounds of rejection.

2. Applicant's arguments filed October 9, 2007, regarding claims 4, 5, 9, 10, 19, and 20 have been fully considered but they are not persuasive.

Regarding claims 4, 9, and 19, Applicant argues on pages 10-11 that "Nakamura does not disclose or suggest the plurality of databases. ... Nakamura's plurality of calendars, which contain the events of plurality of people, should correspond to one database in the present invention." The examiner disagrees with this characterization of the Nakamura reference.

There is no reason why calendars for different people must necessarily reside in the same database. However, assuming *arguendo* that this is not possible, Nakamura also discloses that a user can be prompted for the identification of a data source to use (see column 3, lines 49-51). This suggests that a number of data sources can be selected.

Regarding claims 5, 10, and 20, Applicant argues on page 11 that Nakamura cannot disclose displaying a plurality of events related to a plurality of people because "Nakamura always avoids such a case by selecting one calendar of a single person at an earlier step (col. 3, lines 3-21 in Nakamura)." However, this cited passage states, "User may use one or more calendars in organizing images" (see line 6). Additionally, Nakamura addresses this scenario in column 4, lines 44-47.

***Claim Objections***

3. The amendment to the claims has overcome the claim objections. The claim objections are withdrawn.

***Claim Rejections - 35 USC § 101***

4. Since claims 11-15 have been canceled, the rejections under 35 U.S.C. 101 are withdrawn.

***Claim Rejections - 35 USC § 112***

5. The amendment to the claims has overcome the rejections under 35 U.S.C. 112, second paragraph. The rejections under this section are withdrawn.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 2, 6, 7, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi (U.S. Patent No. 5,805,215) in view of Krause (U.S. Patent Application Publication No. 2002/0002558).

Regarding **claims 1 and 6**, Mizoguchi discloses a method for classifying image data sets (the system works on a plurality of images generated by camera 3), to which date data that represents the date of photography are attached (see column 6, lines 62-65), comprising the steps of:

obtaining the date data from the image data sets (see column 7, lines 11-14);

selecting an event (see column 7, lines 17-27) corresponding to the date of photography from a database of events (stored in data memory 42), in which events that relate to each of a plurality of people are stored, correlated with dates of the events (see column 6, lines 22-37); and

correlating the image data sets with the corresponding event (see column 7, lines 33-37).

Mizoguchi is silent with regard to the events being organized by each of a plurality of people.

Krause discloses a database that stores information about a number of people and associates a plurality of events with those people (see Figure 8 and paragraph 57).

Organizing a table in the database disclosed by Mizoguchi based on a specific field — such as a person's name, as disclosed by Krause — would yield predictable results to one of ordinary skill in the art at the time of the invention, as this would effectively be a simple restructuring of how the data is stored. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Mizoguchi's system organize events in a database by each of a plurality of people.

Regarding **claims 2 and 7**, while Mizoguchi discloses associating event data with images, he is silent with regard to specifically storing the event tag in a tag.

Official Notice is taken that it was well known in the art at the time the invention was made to store metadata about an image in the image file. An advantage of doing so is that a copy of the image can be separated from the associated data source while still maintaining the data. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Mizoguchi's system store event information in a file tag.

**Claim 16** can be treated like claim 1. Additionally, Mizoguchi discloses that the system operates by executing programs stored in ROM 41 and executed by CPU 45 (see column 5, line 66, through column 6, line 4).

**Claim 17** can be treated like claim 2. Additionally, Mizoguchi discloses that the system operates by executing programs stored in ROM 41 and executed by CPU 45 (see column 5, line 66, through column 6, line 4).

9. Claims 3-5, 8-10, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi in view of Krause and Nakamura (U.S. Patent No. 7,009,643).

**Claims 3 and 8** can be treated like claim 1. However, Mizoguchi is silent with regard to storing the images in folders according to their associated events.

Nakamura discloses an imaging system, wherein:

the image data sets are correlated with the corresponding event by saving the image data sets in folders (called albums; see column 1, lines 30-31) corresponding to the corresponding event (after an image is associated with an event, an album for that even is created and the image is stored therein; see column 4, line 64, through column 5, line 4).

As suggested in column 2, lines 6-10, an advantage of storing event images in a folder is that the user need not move images manually in order to create folder collections of images. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Mizoguchi's system create folders for events.

**Claims 4 and 9** can be treated like claim 1. However, Mizoguchi is silent with regard to selecting a single database from a number of databases.

Nakamura discloses an imaging system, wherein:

selection of a single database from among a plurality of databases is received in the case that a plurality of databases exist (a user is asked to select a calendar that contains events; see column 4, lines 3-5); and  
the corresponding event is selected from events stored in the selected database (see column 4, lines 38-39).

An advantage of selecting one of a number of calendars is that the user gains additional flexibility in sorting images. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Mizoguchi's system permit a user to select a database from a plurality of databases, as described by Nakamura.

**Claims 5 and 10** can be treated like claim 1. However, Mizoguchi is silent with regard to selecting a single event from a plurality of associated events.

Nakamura discloses an imaging system, wherein:

in the case that a plurality of corresponding events, correlated with dates represented by the date data (see column 4, lines 38-47), are related to the plurality of people (a variety of information is stored in image metadata; see column 3, lines 26-35);

selection of a single corresponding event from among the plurality of corresponding events is received (if an image corresponds to more than one event, the metadata is evaluated; see column 4, lines 44-47); and

the image data sets are correlated with the selected corresponding event (the image data is stored in a selected album; see *id.*).



An advantage of selecting a most appropriate event to correlate image data to is that the image data may be definitively associated with a single event rather than multiple events. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Mizoguchi's system select an appropriate event when a conflict occurs.

Nakamura is silent with regard to displaying the plurality of events.

Official Notice is taken that it was well known in the art of electronics at the time the invention was made to display a problem or discrepancy that occurs during data processing. An advantage of doing so is that the system can comply with a user's preferences. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Nakamura's system display the plurality of applicable events.

**Claim 18** can be treated like claim 3. Additionally, Mizoguchi discloses that the system operates by executing programs stored in ROM 41 and executed by CPU 45 (see column 5, line 66, through column 6, line 4).

**Claim 19** can be treated like claim 4. Additionally, Mizoguchi discloses that the system operates by executing programs stored in ROM 41 and executed by CPU 45 (see column 5, line 66, through column 6, line 4).

**Claim 20** can be treated like claim 5. Additionally, Mizoguchi discloses that the system operates by executing programs stored in ROM 41 and executed by CPU 45 (see column 5, line 66, through column 6, line 4).

***Conclusion***

10. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:30 A.M. to 6 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye, can be reached at (571) 272-7372. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.T.W./

March 26, 2008

/Lin Ye/

Supervisory Patent Examiner, Art Unit 2622